

1 Edward Wahler (purported defendant)
2 In Care of Postal Department 681
3 Buncombe: the county
4 Fletcher: North Carolina:
5 on the land 28732
6 In Propria Persona (not Pro Se)
7 Without counsel

FILED
ASHEVILLE, N.C.
FEB 13 2009
U.S. DISTRICT COURT
W. DIST. OF N.C.

9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE WESTERN DISTRICT OF NORTH CAROLINA
11 ASHEVILLE DIVISION

12 UNITED STATES OF AMERICA,) Case No.: 1:08-CR-00055-RLV-DCK-2
Plaintiff,)
vs.) **OBJECTION TO PROCEEDINGS, NO
KATHY RAY WAHLER,) RATIFICATION OF COMMENCEMENT,
EDWARD WILLIAM WAHLER,) PETITION FOR WRIT OF HABEAS
LEWIS VINCENT HUGHES,) CORPUS, PETITION TO DISMISS WITH
RICHARD WALSER TURNER,) PREJUDICE**

13)
14 Virginia Wahler, living, breathing woman and mother of Edward William Wahler,
15 hereinafter "Wahler", having standing to sue as a third party intervenor, comes before the court
16 in the above numbered manner, by necessity, as my son, Edward William Wahler is incarcerated
17 and unable to act for himself. On behalf of Wahler, objection is hereby made to the ongoing
18 proceedings including but not limited to the incarceration of Wahler, on the grounds that no
19 ratification of commencement has been provided pursuant to Rule 17, real party in interest. The
20 fact that no real party in interest has provided said ratification of commencement, and heretofore
21 Wahler, by mistake, did not realize that said ratification of commencement was a necessary
22 element of the proceedings, brings standing to also issue a WRIT OF HABEAS CORPUS
23 immediately and the court should ORDER the issuance of said writ forthwith. FURTHER,
24 Wahler petitions the court to dismiss with prejudice the charges herein.

25

AFFIDAVIT IN SUPPORT OF WRIT OF HABEAS CORPUS

Affiant herein, Edward Wahler, third party intervenor and real party in interest by right, makes the following affidavit in support of the issuance of the great Writ of Habeas Corpus in the interests of justice. Affiant herein states as follows:

- 1) Affiant herein has personal firsthand knowledge of the facts herein and is over the age of 21; and
 - 2) Affiant herein is competent to testify and if called upon will so state that the following is true, correct, and complete, the truth, the whole truth and nothing but the truth, so help me God; and
 - 3) Affiant believes that pursuant to the Federal Rules of Civil Procedure, Rule 17, that if Edward William Wahler had opportunity, that Wahler would without question object to the proceedings herein on the basis that no real party in interest has appeared, and further, that said real party in interest has produced a ratification of commencement as required upon said objection; and
 - 4) Affiant believes that in the interest of justice, said ratification of commencement and/or the lack thereof is an integral part of the judicial proceedings, and that Edward William Wahler is being held without said ratification against his will and against the integrity of justice; and
 - 5) Affiant believes said writ should issue immediately; and

FURTHER, Affiant saith not.

Virginia Wahler signing as soo. for.
Viginia Wahler C/o: Edward William Wahler, America
Non Domestic without the US

1 **CERTIFICATE OF SERVICE**

2
3 COPY of the foregoing hand delivered,
4 This 15 day of January, 2009, to:

5
6 Assistant U.S. Attorney

7 Bill Rose
8 Ghurill, North Carolina _____
9

10 _____
11 _____
12 _____
13 Service performed by:
14 Carrie
15 Carrie B. D.
16 Christie H.
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